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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,427	09/08/1999	THEODORE JAMES MYERS	AO0506	8593

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EXAMINER

KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 04/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/391,427

Applicant(s)
Myers et al.

Examiner
Alexander Kalinowski

Art Unit
3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 3, 2003
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-25 and 38-47 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-25 and 38-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3626

DETAILED ACTION

1. Claims 12-25 and 38-47 are presented for examination. Applicant filed an amendment on 2/3/2003, amending the abstract and amending independent claims 12, 20, 38, and 44. In light of Applicant's amendment to the abstract, the Examiner withdraws the objection to the specification. After careful consideration of Applicant's amendment to claims 12, 20, 38, and 44 and Applicant's arguments with respect to the rejection of claims 12-25 and 38-47 based on 35 USC 103, the Examiner maintains the rejection of claims 12-25 and 38-47 as set forth in detail below.

Response to Arguments

2. In light of Applicant's amendment to the abstract, the Examiner withdraws the objection to the specification.

3. Applicant's arguments directed to the rejection of claims 12-14, 16-25 and 38-47 based on 35 USC 103 are directed to the newly added limitation of receiving electronic navigation information upon receiving confirmation information, "where the geographic location of the customer and the business geographic location are capable of differing" added by amendment to independent claims 12, 20, 38 and 44. Applicant argues that neither the Zeitman nor Yoshida references discloses "where the geographic location of the customer and the business geographic location are capable of differing". Moreover, Applicant argues that since Yoshida discloses a parking reservation system where the entire reservation control system operates at the parking site and therefore the business geographic location and the customer geographic location are always

Art Unit: 3626

the same geographic location (see Paper No. 12, page 7). The Examiner respectfully disagrees. As a preliminary matter, the Examiner notes that the Examiner did not use the Zeitman reference to reject the newly added feature of receiving electronic navigation information upon receiving confirmation information, “where the geographic location of the customer and the business geographic location are capable of differing”. The Examiner used the Yoshida reference to disclose the newly added limitation. The Examiner notes that the Yoshida reference discloses a parking site reservation system for placing a reservation at a parking site even from a remote site (see abstract). Moreover, Yoshida clearly discloses the use of L shaped masts and an overhead road device (unit 1) disposed at intervals along a road to communicate with a vehicle mounted device (unit 2) when a vehicle passes underneath the overhead road device (see Fig. 1 and col. 3, lines 5-13). The overhead road device (unit 1) obtains parking site information, prepares this information for display and sends this information for display to the vehicle mounted device (unit 2)(see Fig. 1, col. 3, lines 48-53). The vehicle mounted device displays the location of the parking site in question (col. 4, lines 1-11). The Examiner notes that this process occurs outside the location of the parking site. Yoshida further contrasts the overhead road device system from a system that is used within a parking site location (see Fig. 1 and col. 3, lines 13-19). The Yoshida reference further discloses that the electronic navigation information is received by the customer at a geographic location that differs from the business geographic location (i.e. in Fig. 3, circle denotes the current location of the customer ...parking lots denoted as separate from the current location of the customer)(see Fig. 3 and col. 4, lines 1-11 and lines 44-58). Clearly, Yoshida

Art Unit: 3626

discloses receiving electronic navigation information “where the geographic location of the customer and the business geographic location are capable of differing” and therefore, Applicant’s arguments directed to the rejection of claims 12-14, 16-25 and 38-47 based on 35 USC 103 are non persuasive.

4. Applicant’s arguments directed to the rejection of claims 15 and 22 under 35 USC 103 are based on Applicant’s arguments with respect to the rejection of claim 12 and claim 20 since claim 15 is dependent from claim 12 and claim 22 is dependent on claim 20 (see Paper No. 12, page 8). However, since the Examiner found Applicant’s arguments to claims 12 and claim 20 to be non persuasive for the reasons stated in the paragraph above, and since Applicant’s arguments to claims 15 and 22 depend on Applicant’s arguments to claims 12 and 20, the Examiner finds Applicant’s arguments to claims 15 and 22 to be non persuasive for the reasons stated in the paragraph above.

5. Since the Examiner has found Applicant’s arguments directed to the rejection of claims 12-25 and 38-47 based on 35 USC 103 to be non persuasive, the Examiner maintains the grounds of rejection of claims 12-25 and 38-47 based on 35 USC 103 and the instant action is a final rejection of the claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3626

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-14, 16-25 and 38-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman, Pat. No. 5,940,481 in view of Yoshida, Pat. No. 5,877,704.

As to claim 12, Zeitman discloses a method performed by a customer communication device operated by a customer, in a combination reservation and navigation system (i.e. parking management)(see Fig. 1 and abstract), comprising the steps of accessing reservation information representing a good or a service that may be reserved by customers from one of a plurality of businesses (i.e. user may reserve a parking facility)(col. 5, lines 1-5); making a request for a reservation of the good or the service responsive to the step of accessing the reservation information (col. 5, lines 7-9); receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, responsive to the step of making the request(i.e. receives confirmation of authorization to park there)(col. 5, lines 15-18); and receiving electronic navigation information from a reservation communication device over a communication link responsive to the step of receiving the confirmation information, wherein the electronic navigation information assists the customer in traveling from a customer geographic

Art Unit: 3626

location to a business geographic location of the good or the service reserved by the customer (i.e. map of region in which user is interested in parking)(col. 5, lines 5-7).

Zeitman does not explicitly disclose

receiving electronic navigation information upon receiving confirmation information, where the geographic information and the business location are capable of differing.

However, Yoshida discloses receiving electronic navigation information upon receiving confirmation information, where the geographic information and the business location are capable of differing (Fig. 3, col. 4, lines 1-7 and lines 44-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving electronic navigation information upon receiving confirmation information, where the geographic information and the business location are capable of differing as disclosed by Yoshida within Zeitman for the motivation of placing a reservation for a parking space from a remote site and provide roadway information as well (col. 1, lines 32-40 and col 4, lines 1-7).

As to claim 13, Zeitman discloses a method according to claim 12 further comprising the steps of

transmitting a payment to one of the reservation communication device and a business communication device for the good or the service associated with the reservation responsive to the step of making the request for the reservation (i.e. billing apparatus)(col. 3, lines 23-32); and

Art Unit: 3626

receiving receipt information representing that the payment has been received by the one of the reservation communication device and the business communication device responsive to the step of transmitting the payment(col. 3, lines 23-32) .

As to claim 14, Zeitman does not explicitly disclose a method according to claim 12 further comprising the step of

transmitting a request for the electronic navigation information responsive to the step of receiving the confirmation information.

However, Yoshida discloses receiving electronic navigation information upon receiving confirmation information (col. 4, lines 1-7 and lines 44-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include transmitting a request for the electronic navigation information responsive to the step of receiving the confirmation information as disclosed by Yoshida within Zeitman for the motivation of placing a reservation for a parking space from a remote site and provide roadway information as well (col. 1, lines 32-40 and col 4, lines 1-7).

As to claim 16, Zeitman discloses a method according to claim 12 further comprising the step of negotiating with the reservation communication device for the good or the service desired by the customer responsive to the reservation communication device auctioning the good or the service

Art Unit: 3626

to the customer (i.e. the next time a potential user ... wishes to park in the reserved facility and communicates with central computer unit 12, the user receives a message that the facility is reserved and not authorized for use)(col. 5, lines 1-17).

As to claim 17, Zeitman discloses a method according to claim 12: wherein the steps of accessing the reservation information, making the request and receiving the confirmation information are performed by a fixed customer communication device (i.e. computer)(col. 3, lines 19-22), and

Zeitman does not explicitly disclose wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device.

However, Yoshida discloses receiving electronic navigation information upon receiving confirmation information i.e. vehicle mounted device)(col. 3, lines 62-67 and col. 4, lines 1-7 and lines 44-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device as disclosed by Yoshida within Zeitman for the motivation of placing a reservation for a parking space from a remote site and provide roadway information as well (col. 1, lines 32-40 and col 4, lines 1-7).

Art Unit: 3626

As to claim 18, Zeitman discloses a method according to claim 12 further comprising the step of communicating the confirmation information to the one of the plurality of businesses located at the business geographic location responsive to the customer arriving at the business geographic location (user may report his arrival to central control unit or parking attendant)(col. 3, lines 58-63).

As to claim 19, Zeitman discloses a method according to claim 18 wherein the confirmation information is communicated to a business communication device, associated with the one of the plurality of businesses, at the business geographic location over a radio frequency communication link responsive to the customer communication device being proximate to the business communication device (col. 4, lines 13-23).

As to claims 20, 21, and 23-25, the claims are similar in scope to claims 12-14, and 16-19 and are rejected on the same basis.

As to claims 38-47, the claims are the corresponding apparatus claims to method claims 12-14, 16-21, and 23-25 and are rejected on the same basis and claims 12-14, 16-21, and 23-25.

Art Unit: 3626

8. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman and Yoshida as applied to claims 12 and 20 above, and further in view of Sehr, Pat. No. 6,085,976.

As to claim 15 and 22, Zeitman and Yoshida do not explicitly disclose a method according to claim 12 wherein the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer.

However, Sehr discloses the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer (i.e. passenger's purchase habits)(col. 6, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer as disclosed by Sehr within the Zeitman and Yoshida combination for the motivation of providing better quality of service (col. 2, lines 7-14).

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 3626

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 6:30 AM to 4:00 PM. In addition, the examiner can be reached on alternate Fridays.

Art Unit: 3626

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski". The signature is fluid and cursive, with a large, sweeping initial 'A'.

Alexander Kalinowski

Patent Examiner

Art Unit 3626

April 6, 2003